

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MARTIN LEVY,

Plaintiff,

v.

Case No. 08-CV-12411-DT

UNUM PROVIDENT CORP.,

Defendant.

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**ORDER TERMINATING AS MOOT “DEFENDANT’S MOTION  
TO DISMISS UNDER FED. R. CIV. P12(b)(6) FOR FAILURE TO STATE A CLAIM”**

Plaintiff Martin Levy filed a three-count complaint against Defendant Unum Provident Corp. in Oakland County Circuit Court, which Defendant removed on June 6, 2008. Defendant subsequently filed its motion to dismiss, claiming that Plaintiff’s second and third claims should be dismissed. On July 9, 2008, the court held a scheduling conference. During the conference, counsel informed the court that they both agreed counts two and three are subject to dismissal and stipulated orally to have Plaintiff file an amended complaint that would omit the second and third counts. Based on these representations, the court agrees that Defendant’s motion is now rendered moot. Accordingly,

IT IS ORDERED that “Defendant’s Motion to Dismiss Under Fed. R. Civ. P12(b)(6) for Failure to State a Claim” [Dkt. # 2] is TERMINATED AS MOOT.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 10, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522